

Applicants have noted that the Examiner has withdrawn the rejections under 35 U.S.C. 103 of the previous Office Action.

Reconsideration and withdrawal of the rejection of claims 1 to 8 under 35 U.S.C. 103(a) as being unpatentable over Toepker et al. in view of Metals Handbook Volume 1 and ASM Handbook Volume 5, are respectfully requested.

Applicants respectfully submit that the method according to the present invention as claimed in claim 1 is clearly not disclosed or suggested by the references relied on by the Examiner.

The present invention is directed to a very specific structural component, i.e., a bending resistant, torsionally yielding tubular profiled member as a transverse support of a twist beam rear axle of a passenger car, as it is shown and described in the European reference to Toepker et al.

Such a transverse support of a twist beam rear axle constitutes a specific safety component of a passenger car.

It is respectfully submitted that it is not sufficient merely to refer to page 241 of Metals Handbook Volume 1 which

mentions that hot-rolled medium-carbon steels are generally subjected to standard heat treatment without in any way correlating the steps of the reference with the manufacture of a specific safety component in a passenger car, as is the case in the present invention. The same is true for the statements in the additionally cited reference to ASM Handbook Volume 5, pages 708 and 709. These generally disclosed methods are of course basic knowledge of those skilled in the art.

However, the present invention provides method steps including specific temperature ranges and time periods for treating a specific and special safety component.

Since the references relied on do not in any way disclose or suggest the claimed temperature ranges, method steps and time periods, it is apparent that the steps of the claims of the present application are not rendered obvious by a combination of the three references relied on by the Examiner.

Rather, several independent ideas were necessary to arrive at the method as claimed in the present application.

It is respectfully submitted that it is well established that, in order to establish a prima facie case of obviousness,

the Examiner has to establish that there is some motivation in the prior art to carry out the specific method steps as they are claimed in the present application. The references relied on by the Examiner clearly do not provide such a motivation.

Consequently, it is submitted that the present invention as claimed is not rendered obvious by the references relied on by the Examiner. Clearly, the references do not disclose or suggest a method of manufacturing a transverse support of a twist beam rear axle which includes the steps of annealing at least partial sections of the tubular profiled member at a specific temperature level, hardening the tubular profiled member above the AC3 point, subsequently tempering the tubular profiled member at a temperature of between 200°C and 550°C for a duration of more than five minutes, and then subjecting the component to at least an external surface hardening process.

It is only after these specific method steps have been carried out that the tubular profiled member is subjected to further configuration processing steps for completing the twist beam rear axle.

In this connection, as mentioned in the previous Amendment, it is important to point out that the corresponding German

application resulted in a patent without an Office Action or an opposition having been filed.

Therefore, the Examiner is respectfully requested to reconsider and withdraw the rejection of claims 1 to 8 under 35 U.S.C. 103(a).

The references to ASM Handbook Volumes 4 and 5 also do not in any way disclose or suggest the specific steps carried out in accordance with claims 9 of the present application.

Therefore, the rejection of claims 9 to 13 should also be withdrawn.

Therefore, in view of the foregoing, it is submitted that this application is now in condition for allowance and such allowance is respectfully solicited.

Any additional fees or charges required at this time in connection with the application may be charged to Patent and Trademark Office Deposit Account No. 11-1835.

Respectfully submitted,

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**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on December 14, 2001.

By: F. Kueffner  
Friedrich Kueffner

Date: December 14, 2001